

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Andrew D. Simchik, et al.

TITLE : DOCUMENT PRODUCTION
SYSTEM FOR CAPTURING WEB
PAGE CONTENT

APPLICATION NO. : 09/496,698

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EXAMINER : Joseph R. Pokrzywa

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REPLY BRIEF UNDER 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents
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P. O. Box 1450
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Dear Sir:

Applicants take this opportunity to respond to the Examiner's Answer mailed July 5, 2006 regarding the above-referenced patent application.

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Response to Examiner's Answer

In the Examiner's Answer of July 5, 2006, additional arguments were asserted related to independent claim 8, dependent claims 10 and 27, and independent claim 28 and dependent claim 29.

Regarding Claim 8

Applicant's Appeal Brief position that claim 8 provided a distinction between "a page in a network" and "a document" was specifically addressed in the Examiner's Answer. It is respectfully submitted the Examiner's attempt to correlate the "document" of claim 8, with the conglomerate web page (also called flattened web page and single document in Brobst et al.) is inappropriate.

Initially, it is understood that Brobst et al. is directed to manipulating a plurality of web pages into a conglomerate web page. This conglomerate web page may include data insert into a reference in one or more of the selected pages, and may then be printed using a standard browser print function.

Thus, Brobst et al. is specifically directed to the formatting of web pages.

Visually, this may be shown as:

Web page 1

Web page X

Web page D4

Individual Web Pages

Web page 1 + Web page X + Web page D4

Conglomerate Web Page

, where the individual web pages are formulated into a conglomerate page.

However, on the other hand, as recited in independent claim 8, and supported by the discussion in the specification, claim 8 is directed to the insertion of content from a web page into a document which is not a web page. For example, using the concepts recited in claim 8, a user may create a document such as:

The temperature at Washington-Dulles airport is:

URL

Please arrive well before your flight time.

Document with URL

Within the above document, the user inserts a URL link to a web page which provides updated temperature readings and time for the temperature at Washington-Dulles airport. Then when the user calls up this document, the linked URL is used to retrieve and convert the content from the web page having this information and it is then inserted into the document (e.g., a TIFF or JPEG file – see page 7, line 25-36 of the application). Thus a document with the updated information would be returned, such as:

The temperature at Washington-Dulles airport is:

79° at 6:30 p.m., September 5, 2006.

Please arrive well before your flight time.

Returned Document

Brobst et al. do not teach or fairly consider any concept related to combining content from a web page into a document that is not a web page. Thus, Brobst et al. could not create a document as described above. The language of claim 8 clearly provides this distinction, and the Examiner's interpretation of "document", based on

which claim 8, is rejected is inappropriate for the reasons which will be discussed below.

Again, it appears the Examiner argues if of the belief the "document" of claim 8 is the same as the "conglomerate page" of Brobst et al. Therefore, it is necessary for the Examiner to interpret the "document" of claim 8 as a web page or a plurality of web pages. A fault in this reasoning is as follows. On page 9, beginning on line 13 of the application, it is stated:

In operation, the link facility 22 and/or production agent 26 can be employed to insert one or more links, such as a URL into a document. With reference to FIG. 5, the link facility 22 and/or production agent 26 can insert a URL or a URL list into the document (step 70).

In view of this description and the Examiner's interpretation, the document (of claim 8) could be a single web page (*i.e.*, the one URL). In the situation where there is only a single web page which is inserted into the document, the web page and the document would be the same element. Therefore, again under the Examiner's interpretation, claim 8 would not have been proper under 35 U.S.C. § 112, as the claim would have been using two different terms for the same element. In fact, since claim 8 in fact calls for "a web page", and "a document" (not a plurality of web pages), the most proper interpretation under the Examiner's reasoning would be that the web page and document are the same element.

Therefore, if the position expressed in the Examiner's Answer is upheld, then when the claims were reviewed, the Examiner should have issued a 35 U.S.C. § 112 rejection. However, such rejection was not made. Applicants believe it is appropriate that no § 112 rejection was made for the reason that the "web page" and "document" are, in fact, distinct elements (*i.e.*, the document of claim 8 is not a web page).

Turning to a second reason the Examiner's interpretation is improper, in claim 8 there is an insertion of a link into the document. Then there is the step to automatically launching the browser in response to the link. Thereafter, there is automatic retrieval of the content of the page from the network (*i.e.*, which corresponded to the link).

For the reasons set out above, none of the above limitations make sense when the "document" is interpreted to be a web page.

Further, and as can be seen in claim 8, there is no launching of a browser to obtain the "document." If, as the Examiner has interpreted, the "document" is a web page, then in order to complete the operation as suggested by the Examiner, the claim would require (for completeness under 35 U.S.C. § 112), the launching of a browser to obtain the content of the "document" (as interpreted by the Examiner, *i.e.*, the "conglomerate page"). However, clearly there is no need for this, as the "document" of claim 8 is not a web page.

Still a further reason why the present interpretation is improper has to do with the step of automatically converting the content of the page into an image file suitable for insertion into the document. The Examiner relies on Brobst et al., col. 6, lines 43-53 (Applicants' apologize for the misstatement of the section cited in the Appeal Brief), wherein Brobst et al. states in part that:

Conglomeration mechanism 560 takes the selected URLs and formats them into a flattened web page. Because apparatus 500 flattens many lined web pages into a single conglomerate web page, the standard print function supplied with any browser will print the conglomerate web page.

Based on this language, it is concluded in the Examiner's Answer:

Thus, Brobst teaches that the conglomeration mechanism 560 formats collected web pages into one image, called the single conglomerate image. This formatting includes a process that converts the content of a web page into an image file that is suitable for insertion into the document, which is the conglomeration web page.

However, with regard to the above-stated position, Applicants will set out two main objections. Initially, to form the single conglomerate image, Brobst et al., under the Examiner's interpretation, will "convert" the content of each web page. However, as can be seen in present claim 8, only the content of the page from the network (*i.e.*, the web page) is being converted. There is no language related to "converting" the document. This is true since the "document" in claim 8 is not a web page which needs to be "converted." Again, in the present application the web page is being converted into an "image file" such as that may be used with the document creation algorithm (see claim 28), *i.e.*, one which would convert the data to a TIFF, JPEG or other appropriate image file.

With continuing attention to the "converting" interpretation made by the Examiner, the second objection is to the argument, "this formatting includes a process that converts the content of a web page into an image file that is suitable for insertion into a document, which is the conglomeration web page." However, in col. 10, line 55 through col. 11, line 4 of Brobst et al., reference to "converting" or "convert" is discussing changing or adding attributes of selected and related web pages. These attributes could be those such as FOLLOW, SHOULD FOLLOW, NO FOLLOW, etc. This convert or conversion discussion does not discuss converting data from a web page into an "image file." Rather, it allows formatting which is not at all relevant to the converting of the present application. The formatting by use of attributes, such as FOLLOW, determines whether or not a web page, for example, would be included or excluded from the conglomerate page (*i.e.*, a NO FOLLOW attribute would expressly exclude the corresponding web page).

These operations, however, in no way create an "image file." Applicants would also respectfully direct attention to page 7, lines 10-36 of the present application which supports the distinctive language of claim 8.

For at least these reasons, it is considered claim 8 is distinguished from the cited references.

Responsive to Claim 10

For those reasons discussed in connection with claim 8, it is submitted the interpretation of a "document" and the "conversion", is inappropriate.

For at least these reasons, it is submitted claim 10 is not anticipated by Brobst et al.

Response for Dependent Claim 27

For those reasons in connection with independent claim 8, it is submitted claim 27 is not anticipated.

Response for Claim 28

The concepts distinguishing the "document" and "network page" of claim 8, and as discussed in connection with that claim are equally appropriate to the Examiner's comments regarding claim 28. Similarly, the arguments related to the browser and image file are also appropriate for this claim.

Response for Claim 29

In this discussion, the Examiner's Answer notes "that the current claim language does not particularly require that each time the document is accessed, an automatic update occurs . . .".

Applicant respectfully submits this interpretation is improper. Particularly, reasonable and appropriate interpretation of "subsequent" is to include an automatic update each time the document is accessed. The use of the word subsequent in this claim would have a meaning encompassing any access of the document by a user. Since an object of the present application is to provide updated information into a document, it makes no sense to interpret the language of claim 29 to skip the updating of some accesses of the document, as suggested in the Examiner's Answer. For at least this reason, claim 29 is distinguished.

CONCLUSION

For the above reasons, as well as those set forth in the Appeal Brief, it is believed the rejections should be overturned.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

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Mark S. Svat, Reg. No. 34,261
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2518
216.861.5582